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HIGH C.OURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.890/2001

CORAM: Hon'ble Shri S.R.Nayak, Chief Justice &
Hon'ble Shri D.R.Deshmukh, J.

Petitioner	:	G. Surya Prakash Rao, aged about 58 years, s/o L/G. Adinarayana, Retired Electrical Driver c/o G. Venkat Rao, near Bhagchand Seth Building, Budhwari Main Road, Dongargarh, District Rajnandgaon.
		Versus
Respondents	: 1.	Union of India, represented through Secretary, Railway Board, Rail Bhawan, New Delhi.
	: 2.	The General Manager, South Eastern Railway, Garden Reach, Calcutta.
	: 3.	The Divisional Railway Manager, South Eastern Railway, Nagpur (Maharashtra)
	: 4.	Sr. Divisional Mechanical Engineer (P), S.E.Railway, Nagpur (Maharashtra)
	: 5.	Sr. Divisional Personnel Officer, S.E.Railway, P.O. Nagpur (Maharashtra)

Shri Ashish Shrivastava, learned counsel with Shri Amrito Das for the petitioner.
Shri Abhishek Sinha, learned counsel with Shri Ghanshyam Patel for the respondents No.3 to 5.

ORAL ORDER
(Passed on 04.07.2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

The petitioner, who was an employee of the Railways, when he was serving, sought appointment to his son to a suitable post in the Railway establishment on the basis of an alleged 1981 Policy providing

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for appointment to the children of the "loyal workers" of the Railways. That claim of the petitioner was refused by the Department. Feeling aggrieved by the said action of the Department, the petitioner preferred Original Application No.549/1995 before the Central Administrative Tribunal, Jabalpur (for short 'C.A.T.'). The prayer of the petitioner to issue a direction to the Department to appoint his son to a suitable post under the Loyal Workers Quota envisaged in 1981 policy was not specifically considered by the C.A.T. The C.A.T. did not grant direction sought by the petitioner to the Railways to appoint the petitioner's son to any appropriate post under the Loyal Workers Quota. Hence, this Writ Petition.

2. We have heard the learned counsel for the parties. The plank of the claim of the petitioner is that there existed a policy in the year 1981 providing for appointment to the children of loyal workers, and in terms of the said policy the petitioner should be regarded as a loyal worker, because, he did not participate in the strikes during the years 1974-75 and 1979-81. The respondents No.3 to 5 have filed their return. On page 6 of the return, in reference to para 5.2 it is stated thus:

> "In reference to para 5.2:-
> The averments made in this para are denied. There is no document on record which indicates that there was any policy of the answering respondents to provide appointment to the wards of the loyal workers. It is again categorically reiterated that there is no scheme of the answering respondents or the Railway Board providing appointment to the wards of loyal workers after the year 1977 and so the petitioner cannot claim and be granted any benefit for the strike of the year 1981. It is also pertinent to point out that the appointment orders filed by the petitioner do not

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indicate that the appointments have been made under loyal workers quota scheme."

Furthermore, it is also stated on page 5 which reads as under:

"..... It is also specifically denied that any appointment has been given in the year 1981 as alleged by the petitioner under the loyal workers quota for the strike of the year 1981. The scheme and instructions as per Annexure-R/3(1) were finally withdrawn w.e.f. 25/4/1977 vide Annexure-R/3(2).

3. The petitioner has not produced the so-called policy issued by the Railways in the year 1981. However, it is stated that in similar circumstance children of certain employees have been offered appointment under the Loyal Workers Quota. In support of that plea, appointment order issued by the Divisional Personnel Officer, South Eastern Railway, Nagpur, dated 9.7.1981 is produced as Annexure A-10 at page 34. We have perused that document. From that document, it could not be said that those three persons were appointed under the Loyal Workers Quota. Be that as it may, the assertion made by the petitioner is clearly denied by the respondents No.3 to 5 in their return. Since the petitioner has utterly failed to establish that there existed a policy to offer appointment to the children of loyal workers under the so-called policy of 1981, granting relief to the petitioner would not arise.

4. The writ petition is devoid of merit and it is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge